

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT COURT OF VIRGINIA
RICHMOND DIVISION

George A. Yarid
1307 Stoney Creek Drive
Henrico, Virginia 23238,
Plaintiff,

v.

Civil Action No. 3:16-CV-756

William Markland
11271 Otsego Street
North Hollywood, California 91601,

Shon Brennan
5809 Los Amigo Street
Buena Park, California 90620,

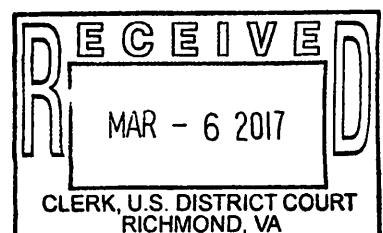
Youtube, LLC
901 Cherry Avenue,
San Bruno, California 94066

Defendant(s).

SECOND PARTICULARIZED COMPLAINT

JURISDICTION AND VENUE

1. This is a civil action based upon Diversity Jurisdiction, authorizes by 28 U.S. Code § 1332 because the parties are citizens of different states. This Court has jurisdiction under 28 U.S.C. § 1331 and 1333(a)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. 2201 and 2202. Plaintiff's claims for injunctive relief are authorized by 28 U.S.C. § 2283 and 2284 and Rule 65 of the Federal Rules of Civil Procedure. This Court has supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. § 1967.



2. The United States District Court for the Eastern District of Virginia's Richmond Division is and appropriate venue under 28 U.S.C. § 1331(b)(2) because it is where the events giving rise to this claim occurred.

PARTIES

3. Mr. George Yarid ("George"), appearing *pro se*, is this Court's Plaintiff. George lives at 1307 Stoney Creek Drive, Henrico, Virginia 23238. George has sustained significant injuries from the defendants within the territorial jurisdiction on this Court.

4. Mr. William Markland ("William") is a defendant in this action. He lives 11271 Otsego Street North Hollywood, California 91601.

5. Mr. Shon Brennan ("Shon") is a defendant in this action. He lives at 5809 Los Amigo Street Buena Park, California 90620.

FACTS APPLICABLE TO ALL COUNTS

6. George is a private person who lives in the County of Henrico, Virginia. Since 1994, George has owned and operated a public access television show entitled "The Gorgeous George Show" which airs in Richmond, Virginia and is posted on www.youtube.com.

7. The Gorgeous George Show is produced for an adult audience, involving political satire, bathroom humor, and all around general comedy of a social nature.

8. George also owns and operates a radio show entitled The Gorgeous George Show which airs live on WCLM AM1450.

9. Both The Gorgeous George Show radio and television show are both copyrighted with the Library of Congress.

10. George is the sole owner of The Gorgeous George Show.

COUNT 1 – HARRASSMENT OF GEORGE YARIS BY SHON BRENNAN

George incorporates all of the afore-referenced the proceeding paragraphs as if set forth herein.

12. On or about November 16th, 2016, in the City of Richmond, Virginia, The Gorgeous George Show television show was airing live.

13. Shon called the television station using the number posted thereupon, on same said date and requested to be on the air and to speak to George.

14. Knowing and intentionally, with the intent to cause harm to George, after George answered the telephone call on the air, Shon repetitiously stated the word “nigger” over and over until such time as George was able to end the call.

15. As a direct and proximate cause of Shon’s use of the word “nigger” on The Gorgeous George Show, George was reprimanded by Comcast Studious Public Access Television Station.

16. On or about 16th day of July, 2016, in the City of Richmond, Virginia, The Gorgeous George Show radio show was airing live on WCLM AM 1450.

17. Shon called the radio station at the telephone number provided on the air, on same date, was connected to George via telephone.

18. Knowing and intentionally, with intent to harass and cause George harm, Shon stated to George that George was a homosexual who goes to the “gay club Fielding’s.” Shon on the air, stated as a matter of fact, that George enjoyed going to the “glory hole” at Fielding’s. In Addition, Shon began to use the word “nigger” during his live telephone call with George.

19. As a direct and proximate cause of Shon’s obscene, vulgar, and insulting comments to include the unlawful fight word “nigger,” George was banned from ever accessing radio station WCLM AM 1450 again.

20. On or about December 31st, 2016, Shon, via telephone, called George's personal telephone number, and with the intent to cause George harm, left George a voice mail. This telephone call was made to George, by Shon, who was publishing the same on a live stream on www.youtube.com for the entire world to hear.

21. Shon's voice mail makes many sexually graphic and insulting statements to George, moaning, accusing George of going to Porta-Potties and engaging in unlawful and disgusting sexual activity with minors. Shon also made reference to "minors coming to the show and sitting on George's lap," which is false.

22. On or about February 9th, 2017, Shon posted to www.youtube.com a video. In said video, Shon posts pictures of George's home, garage, and automobiles and commentated about George and his home. This action by Shon was intrusive upon George's home and private life and an invasion of privacy.

23. On or about September the 4th, 2015, Shon placed a telephone to call to George, who moonlights as a cab driver. Shon stated to George that later in the evening, Shon may need to be picked up from the airport. George said that there was a shuttle to transport him from the airport and call him later if he needs his services. At this time, George did not know that the caller was in fact Shon.

24. Later on that night about 1:00am, Shon again called George on the telephone and requested that George pick him up from a gay bar in Richmond named Godfrey's. When George called the number back to tell the individual that he was outside, Shon, who George still not know was the caller, stated that he would be out in a few minutes that he was coming out and there was ruckus going on at the bar.

25. Shon states to George that he would need about fifteen minutes or so. Due to George's acceptance of Shon's offer to use George's cab service, George was forced to turn down other legitimate offers for his services causing George to lose other business.

26. George waited outside of the gay bar until about 1:30am and called the telephone number that Shon was using and told Shon that he would have to leave. Shon stated to George that there was a ruckus inside the bar, because another Bar Parton had "stuck his dick in a glory hole and was getting thrown out" which was prohibiting the caller from leaving the Bar. Shon then stated to George that "well since you have been waiting for this 30 minutes this is Shon Brennan, your buddy from California."

27. As a direct and proximate cause of Shon's using computer equipment to conceal his voice and actual identity, George accepted the offer that Shon posed to him requesting that George pick Shon up from the bar, and in consideration thereof George drove to Godfrey's and wasted fuel and over 45 minutes of his time refusing other legitimate opportunities that George could have made money.

28. On or about February 22, 2016, on www.youtube.com, Shon posted a video where Shon states that someone sent "[Shon's] film" to a film festival. The film in question is entitled "Gorgeous George Sux Movie." He boastfully was proud saying he was a troll and was shocked that the film festivals were offering him money for work that wasn't his, but of Georges.

29. On or about June 22nd, 2016, Shon posted a video on www.youtube.com alleging that George died. Upon information and belief this was done solely to harass George. He placed an obit of George on a online obituary site using Georges full name and birthday etc.

30. On or about August 31st, 2016, Shon published George's telephone number for Shon's viewers to call and harass George. Shon created and published a channel on www.youtube.com

just for Shon's viewers to see George's personal telephone number. This resulted in multiple telephone calls to George from various people whom George does not know who insults him and causes his grief.

31. On or about June 6th, 2012, Shon placed an ad on www.craigslist.com in the Men For Men section in George's area. An individual responded to Shon's ad, whom Shon gave George's personal address and invited him over for homosexual sex. This person came to George's home in the middle of the night, woke George up, and asked to come inside to engage in homosexual activity with George.

32. On or about September 9th, 2016, Shon photo-shopped the face of George along George's Room-Mate, Mr. Matt Tatum, upon a graphic depicting them both engaging in homosexual anal-sex at George's mother grave site, and posted this graphic upon www.youtube.com for the world to see.

33. On multiple occasions, throughout 2010 and 2016, Shon would call pizza delivery companies and order multiple pizza's to be delivered to George's Home, which George did not order, causing George to incur the debt of the pizzas.

34. On or about October 21st, 2016, Shon produced many videos which he published upon www.youtube.com which discussed George's private bankruptcy. In addition, Shon published world-wide George's personal information to include his home address, his date of birth, and his social-security number.

35. From or about 2009, throughout 2017, Shon downloaded and posted upon www.youtube.com many videos from The Gorgeous George Show which he published thereupon claiming the same were his original works. These videos are not Shon's creation nor property. These videos have been published for the world to see on the World Wide Web absent any

accreditation or royalties being paid to George for the use of his copyrighted material. Material is non-transformative meaning Mr. Brennan has no right to use material without consent or permission from Mr. Yarid who owns the infringing material.

36. Shon has no legitimate reason whatsoever to communicate with George at all. George has spoken directly to Shon and has repeatedly directed him to cease and desist his tortious and harassing actions. Notwithstanding, Shon continues to repeatedly call George from various numbers harassing him and posts videos on the internet defaming and slandering George, and apparently will not cease his illegal conduct absent judicial intervention of this Court.

COUNT 2 – COPYRIGHT INFRINGEMENT OF GEORGE YARIS BY WILLIAM MARKLAND

37. George incorporates all of the afore-referenced the proceeding paragraphs as if set forth herein.

38. The Gorgeous George show is copyrighted by Plaintiff George Yarid with the Library of Congress. George has sole ownership with of the works from library of congress of there show “Gorgeous George Show” Registration was made in July 17th 2012.

39. From or about, 2015 throughout 2016, William downloaded and posted upon www.youtube.com many videos from The Gorgeous George Show which he published thereupon stealing works and property that didn’t belong to him. These videos are not Williams’s creation nor property. These videos have been published for the world to see on the World Wide Web absent any accreditation or royalties being paid to George for the use of his copyrighted material.

COUNT 3 – HARASSMENT OF GEORGE YARID BY WILLIAM MARKLAND

40. George incorporates all of the afore-referenced the proceeding paragraphs as if set forth herein.

41. William has called George on the Telephone on multiple occasions in 2016 harassing George, calling him a “pauper” laughing at him telling him that he is going to lose his home and become homeless. William recorded these phone calls and published the same on www.youtube.com to harass George.

42. In February of 2016, William posted George’s shows on the internet, titling the same as with George’s full legal name. “Openly Gay Host,” and “Fat Untalented Slob.” These are posted on the internet with malice and intent to cause George harm by William.

**COUNT 4 – COPYRIGHT INFRINGEMENT OF WWW.YOUTUBE.COM AGAINST
GEORGE YARID**

43. George incorporates all of the afore-referenced the proceeding paragraphs as if set forth herein.

44. www.youtube.com is a website which allows private person to use their site to publish videos on the World Wide Web.

45. The videos that Shon and William have posted upon www.youtube.com claiming to be their own are copyrighted material that is owned by George.

46. George has submitted many requests to www.youtube.com explaining to them that the videos in question are copyrighted by George and that he is the sole owner of the videos. Also showing you-tube that the case was still active along with showing copyright registration as well for proof

47. Notwithstanding, www.youtube.com has enabled both Shon and William to continue to post the videos complained of herein on the internet with complete and total disregard for the rights and ownership of the material by George. Youtube also not following their own guidelines of

removal of lude and sexual suggestive material , as well of privacy issues and continuing with constant harassment in which youtube lays a blind eye to, which leads to questionable bias on their part. Facts being shown for removal of stolen material.

48. The ownership and contents of the copyrighted material in question is non-transformative.

LEGAL CLAIMS

49. George incorporates all of the afore-referenced the proceeding paragraphs as if set forth herein.

50. The conduct of Shon, William, and www.youtube.com, complained of hereinabove, was at all times intentional, malicious, outrageous, and intolerable.

51. As a direct and proximate cause of the actions, inactions, fault or negligence of Shon, William, and www.youtube.com George has experienced great and significant anxiety and paranoia. George's blood-pressure at times has spiked to unsafe levels. George has also experienced night sweats, and deep depression. The abuse and harassment that George has endured at the hands of William and Shon, who have been enabled by www.youtube.com, will, unless enjoined by order of this Court will apparently continue.

52. At all times relevant hereto, the conduct of Shon and William complained of herein has been done by them intentionally with the intent to cause George mental, psychological, and emotional distress.

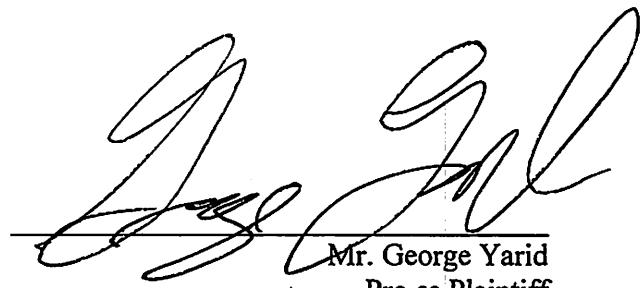
53. The publishing of The Gorgeous George Show on www.youtube.com by Shon and William, who claims that the works are their own, constitutes unlawful enrichment and copyright infringement

54. George has no other adequate remedy at law available to him other than to pursue the relief prayed for herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff George Yaris, *pro se* hereby prays that this Court will enter and order awarding him:

- a) A preliminary and permanent injunction against Shon Brennan, William Markland, and www.youtube.com, enjoining them, jointly and severally, from posting any of George's copyrighted material without George's authorization.;
- b) A preliminary and permanent injunction against Shon Brennan and William Markland, enjoining them, jointly and severally from engaging in any further contact with George to include harassing phone calls, or posting anything relevant to George again on the internet.
- c) A preliminary and permanent injunction against www.youtube.com ordering www.youtube.com to remove current material from their website any of the copyrighted material owned by George Yarid published without George's authorization.
- d) A declaration that the actions, inactions, fault or negligence complained of herein by Shon Brennan and William Markland are harassment;
- e) Punitive Damages against each named defendant, jointly and severally, in the amount of \$20,000.00;
- f) Compensatory Damages against YouTube in the amount \$100,000,000.00;
- g) Nominal Damages against each named Defendant, jointly and severally, in the amount of \$20,000.00;
- h) Plaintiff's cost in this action;
- i) Any additional relief this Court deems equitable and just.



Mr. George Yarid
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Henrico, Virginia 23238
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

George Yando

Plaintiff(s),

Brennan, Maryland
YouTube

Defendant(s).

Civil Action Number: 756

LOCAL RULE 83.1(M) CERTIFICATION

(Combined)

I declare under penalty of perjury that:

No attorney has prepared, or assisted in the preparation of

Motion for Non Suit.

(Title of Document)

2ND Particularized Complaint

Name of Pro Se Party (Print or Type)

George Yando

Signature of Pro Se Party

Executed on: 3/6/17 (Date)

OR

The following attorney(s) prepared or assisted me in preparation of _____.

(Title of Document)

(Name of Attorney)

(Address of Attorney)

(Telephone Number of Attorney)

Prepared, or assisted in the preparation of, this document

(Name of Pro Se Party (Print or Type))

Signature of Pro Se Party

Executed on: _____ (Date)